

Application Ser. No.: 10/821,154

Title: COMPOSITION COMPRISING A PHOSPHATE BINDER AND ITS PREPARATION

Response to Office Action dated: March 14, 2008

### **Remarks**

This responds to the Office Action of March 14, 2008, imposing a restriction requirement in this application between Group I, claims 1 -- 115, Group II, claims 116 -- 141, and Group III, claims 142-148. Applicant has amended claim 45 (second numbering) to be renumbered as claim 149. Applicant elects Group I, claims 1-115 and 149, with traverse.

In this regard, applicant notes that independent claims 116 and 142, the other two independent claims, have been amended by this submission to refer directly to the composition of claim 1. Thus, the claims of Groups I, II and III are all directly related to one another. In particular, Rule 1.141(b) provides that a product, a process of making, and a process of use, may only be the subject of a three-way restriction where the process of making is distinct from the product. This should no longer be the case inasmuch as the product of Group I is now specifically referenced in Groups II and III. Moreover, applicant respectfully submits that there would be no additional or undue burden to the examiner in conducting a search for the Groups II and III as the same art would be developed in regard to the process claims as for the product claims.

Accordingly, applicant respectfully requests reconsideration of the restriction requirement and consideration of all of the claims presently pending. Further, it is believed that this application is now in condition for examination and allowance, and such is courteously solicited. Should the examiner have any questions which may be resolved by a telephone conference, they may be addressed to the undersigned at 1-800-445-3460.

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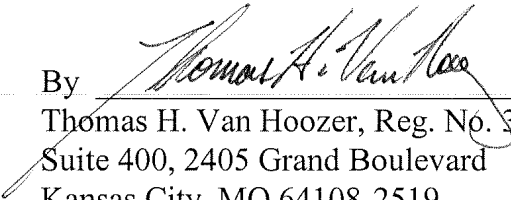
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Applicant submits the present response and requests for a one-month extension of time to respond. Any additional fees necessitated by the extension and/or this submission may be charged to Deposit Account 19-0522.

Respectfully submitted,

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By

  
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(Docket No. 34866-CIP1)